

## INDIANA LEGISLATURE.

[Omissions and curtailments of this report for want of space in these columns will appear in an appendix to Volume XXII of the *Bremer Legislative Reports*.]

## IN SENATE.

WEDNESDAY, Feb. 4, 1885—10 a. m.

**CITY TAXES.**  
The Senate resumed the consideration of the bill (S 174) pending at the adjournment yesterday, the question being on the amendment proposed by Mr. Campbell, of St. Joseph.

Mr. RAHM: The amendment does not particularly interfere with the object of the bill. There are a large number of tracts of land lying within the limits of the city of Evansville, with city lots around them. These tracts are exempt from taxation for city purposes, and I don't think that right. These lands are owned, some of them, by Eastern capitalists, and some of them by heirs. The object of this bill is to tax these lands at a reasonable figure. There is no City Council that will tax them up to their full value. I think the bill ought to pass and the section of the Revised Statutes therein referred to be repealed, because it exempts a certain class of lands from paying a city tax which they ought to pay.

Mr. BAILEY: The amendment would materially affect property in this city. We have one or two large tracts of land within the limits of this city paying no municipal tax, they being held for a rise in values, where they ought to be subject to the same taxes and burden as other property. Therefore I am opposed to the amendment.

The amendment was rejected, yeas 10, nays 10.

The bill was ordered engrossed.

**STATE TREASURER'S BOND.**

The bill (H. R. 3) to increase the bond of the Treasurer of State from \$100,000 to \$1,000,000 coming up as a special order.

Mr. SMITH, of Jennings, moved to amend by striking out "\$1,000,000" and inserting in lieu thereof "\$500,000," and by reducing the number of bondsmen from twenty to twelve.

Mr. WILLARD: I first desire to call attention to the necessity for immediate action on this bill one way or the other. The bond of the Treasurer of State for the next two years is not to be filed at the next Monday. The term of office which now holds expires on that day, and he will be obliged to file a new bond at that time. It is but fair to the Treasurer, to the House and the Senate, that action should be taken as soon as possible in order to enable the Treasurer to secure a bond in which he will be required to be responsible, and to avoid all questions as to the amount of the bond. The late investigation of the affairs of the Treasurer of State has shown one thing which Senators of all political parties can agree upon, and that is, it is shown at certain periods of the year, in a very short space of time, he has in his hands property of the State running up to a million and a half of dollars, and as the Treasurer himself stated to the committee on Finance, he has an average of about \$480,000 on hand during the year. In the months of November and April, and extending to the 1st of January, when the great school revenues pass through his hands, the amount runs up to \$1,000,000, or a million and a half of dollars.

In 1880 the act was passed which made the Treasurer of State the right to take office upon a bond of \$100,000. Twenty-six years nearly have passed since then. Indiana has more than doubled her population and she more than doubled her wealth since the act now proposed to be amended became a law. I don't consider this matter a political measure in any sense of the term. This bill passed the House of Representatives on a vote of 80 to none, so in that House, after much debate, as now being made by the Senator from Jennings (Mr. Smith), to place the bond at \$500,000.

—after that was voted down, the House agreed unanimously that the time had come to place the bond of the Treasurer of State at \$1,000,000. The reason in this I would not treat the Treasurer of State any different than I would treat any officer or man who had the management of trust funds. The law provides in regard to trust funds, generally speaking, that the amount of bond shall be double the amount of money that goes into his hands.

Take a guardian's bond for example. The guardian can't put a single dollar in his pocket for any money he loans. He can not by subterfuge loan his ward's money at a higher rate of interest and put part in his own pocket. Yet a guardian is a man who is to make his bond in double the amount of property in his hands, both real and personal. Why should we make another rule for a man who has the custody of half a million of dollars belonging to the State, and who confessedly loans this money, and receives interest upon it, in defiance of the statute, if you please—a statute which has been violated by every Treasurer of every party since it was enacted, and, therefore, I don't think the rule should be drawn strictly upon the present Treasurer.

There is a very large amount of the State's money loaned out, upon which interest is received. Therefore, I claim the reason exists more strongly for a sufficient bond than it does in the case of guardian's bonds. It is the best of that that will protect the poor man from becoming a Treasurer of State. I think not. The test of whether one man will go upon the bond of another comes not so much from wealth as from character for honesty and probity. Every Senator knows many a man who is poor but whom he would rather trust upon his word than many a wealthy man upon his bond. This bill unanimously passed the House, which is nearer the people than the Senate, and represents the wishes and desires of the people that a solid bond will be required of the Treasurer of State which will protect the people against loss.

Mr. SMITH, of Jennings: I believe the Treasurer of State ought to give a good and sufficient bond, but I don't believe the law ought to require him to give a bond which is not within the reach of ordinary individuals. If all the Senator from Lawrence (Mr. Willard) said were true, it is no argument that the penalty on this bond should be increased, unless he desires to become the advocate of a special class of persons who can only place themselves by reason of their wealth or influence in that direction, in the hands of those who would control the Treasury of the State if he had given such a bond. It is very clear if the Treasurer of State is required to give a bond of \$1,000,000 that the only persons who could secure to go upon his bond would be acceptable would be those who are operating monopolies and banks, therefore he would be placing himself directly in the hands of monopolies and banks who would require giving into their hands every dollar of the State's money.

In other words, it is placing the Treasurer of State in the hands of monopolies. For that reason the amendment ought to prevail. It can not be truthfully said that the State would be in danger of losing a single cent of money if the bond shall be placed at \$500,000. There are only two or three months in the year when a greater sum than the amount named in the amendment would ever be concentrated in the State Treasury,

and then it only remains there a short time; it is paid out almost as soon as it is paid in.

Mr. JOHNSON, of Dearborn: I am in favor of the amendment of the Senator from Jennings (Mr. Smith), and will vote for it whenever an opportunity presents itself. My reasons are, that this is a different trust from the trust of a guardian or an administrator. We don't make the Treasurer of State trustee in this matter. When the new State House is completed I presume there will be a proper place provided for the Treasurer to keep his money. Then the Treasurer will simply act as an agent of the State and hold the money for her use. He will have no right to touch the money other than to disburse it upon proper warrant drawn by the State Auditor.

And it will be a great hardship for a man of ordinary means, I care not what his reputation may be, to make a bond for a million of dollars. It will be a big thing to get twenty men worth \$100,000 apiece as bondsmen. It is a difficult matter to find twenty men worth \$100,000 each who are willing to risk their all upon another man's bond, and I think it will be a very difficult matter for a Treasurer to procure a bond of \$1,000,000, unless he is very nearly worth the amount himself. We don't want of a guardian's poor man from such an office as the Treasurer of State, and I trust the amendment will prevail.

Mr. SMITH, of Jennings: This is a step in the direction of special legislation, and that is what the Democratic party has always opposed. An honest man—a man in needy circumstances—a man who may be able to give an adequate and valid bond in a reasonable sum, is forever estopped from being a candidate for the office of Treasurer of State if this bill becomes a law as it is in the Senate from Lawrence (Mr. Willard) refers to the bond of a guardian. That is the bond of a guardian, and the bond of a minor child continues on and on until the minor child comes to their majority, from, perhaps, one year of age. The office of Treasurer of State does not continue twenty years. It continues but two years. I am in favor of immediate action, but we should take such sensible action as the great body of the people of Indiana will approve.

Mr. WEIR, of Vincennes: There is no occasion to pass this bill as it came from the House. I care not whether the House passed it by 80 to 1, it is for this body to act upon its own judgment in determining what legislation is necessary. The first question, when we come to consider matters of legislation, should be this: Does the public interest demand the passage of the bill? If it does it should be passed; if it does not, it should not be passed. Because, apparently, there has been a little panic produced in the other House by various rumors that have gone out about the State Treasurer's office. We should not make undue haste. When Governor Porter in his message gave out by intimation, if you please, that there is something wrong in the Treasurer's office, an investigation was prompted, and but this morning we have had a report from the majority of that committee, and I say I believe the whole thing was originated and prompted by nothing else in the world but party capital, so that something may be made out of it one way or the other. It is that which has produced the panic, which I feel justified to tell in the other House. The investigation has been carried out and the committee report that every single dollar of the people's money is perfectly safe; but in the meantime the House has passed a bill to require the Treasurer to give a bond in the sum of \$1,000,000. It ought to be entitled "an act to provide that no man who is not a millionaire shall ever become a Treasurer of the State of Indiana."

[Applause.] In other words, if a Treasurer of State shall be elected under this bill, he must be honest, he must be of or from whatever section of the State he may come, he must be handed over to the mercies of the financiers of the city of Indianapolis. I don't believe there is any demand for this legislation, and had not the Senator from Jennings (Mr. Smith) introduced it, I should have proposed a reduction to \$300,000. The Treasurer of the United States has charge of over \$400,000,000, and I think he gives a bond in the sum of \$10,000 only, and why is it that the Senator from Jennings—men of experience and judgment should be carried off their feet under such circumstances as surround this question in both Houses of the Legislature? I am aware there may have been a violation of the statute, but I undertake to say no man can discharge the duties of Treasurer of State without doing it.

Mr. CAMPBELL, of St. Joseph: I am one of those who believe that when the people elect a man State Treasurer and his friends have become security for the money to the State, they should assume whatever liability is needed beyond this amount. To give a bond of \$1,000,000 will, in my opinion, make it so that candidates will be compelled to arrange with moneyed men in order to get such a bond, and that these moneyed men or corporations will not only practically control the disposition of the money, but largely dictate who shall be the Treasurer—a condition neither equitable nor safe, hence I favor the amendment.

Mr. SMITH, of Jennings withdrew all of his amendment except the portion to reduce the Treasurer's bond from \$1,000,000 to \$500,000.

It was agreed to by yeas 30, nays 15.

Mr. CAMPBELL, of Hendricks, explaining his negative vote: I believe a bond of half a million amply sufficient for all practical purposes. I feel, with the Senator from Lawrence (Mr. Smith), that the bond should not be governed by the desire of the House of Representatives at all, but fearing this amendment will kill the bill I shall vote "no."

Mr. WILLARD after the recess for dinner moved for a dispensation of the constitutional restriction that the bill may be passed to the vote.

Mr. McCULLOUGH: I am opposed to the motion at this time, not because I am not in favor of the bill as it goes, but I think it ought to be postponed till to-morrow, for this is one of those matters which, in my judgment, needs cool and careful deliberation as to what the law is now, and what the effect of this bill will be. I think there is an undue scare about haste in this case, for if there is anything the Legislature may increase or diminish the bond of an officer at any time. I think the most dangerous thing in reference to the State Treasury is the condition in which the law is. It is doubtful whether the bondsmen would be liable if a loss of funds should occur without fault of the Treasurer. I am desiring to put that question at rest, and to say by statute that the bondsmen of the Treasurer, as well as he himself, shall be responsible for every dime with which he touches the money, and can not be excused therefrom by loss on account of the burglary, or any other casualty. It may be said that we might pass this bill to-day, and next week or to-morrow amend another section of the statute so as to provide that the bondsmen shall be absolutely responsible, where bondsmen execute a bond under a statute that holds them liable only as bondsmen for a trustee or bailee, and afterward the Legislature enacts a law requiring them to be absolutely responsible, it might raise a question as to whether or not they would be released.

Mr. WILLARD: If the Senator thinks there is any difference in that regard, the bill was open for amendment, and he could offer an amendment. I differ with him in

regard to the question, after a man has assumed an office whether his bond can be increased. It would be a condition subsequent.

The motion to suspend the Constitutional rule was rejected by yeas 33, nays 10, two-thirds of all Senators elected not voting in the affirmative.

On motion by Mr. WILLARD the bill was made a special order for 10:30 o'clock to-morrow.

**HOUSE OF REPRESENTATIVES.**

WEDNESDAY, Feb. 4, 1885—10 a. m.

**THE STATE TREASURY.**  
Mr. PATTEN, from the joint committee appointed to make inquiry as to whether there was any necessity for an investigation of the State Treasury, reported it needless.

Mr. Sayre, from a minority of the same committee, reported in favor of a complete investigation of the Treasury.

Mr. SAYRE: Every Representative on this floor is interested in the safe keeping of the funds of the State, and every member has the same duty imposed upon him, and that is to see to it that the funds of the State shall be faithfully applied to the purposes for which they are raised. I presume everybody here is familiar with the law pertaining to the State Treasury. They know that any kind of orders and certificates of deposit or unissued deposits in banks, and drafts upon banks, and all things of that kind, are not the kind of money required to be paid by the people of the State. The funds that go into the State Treasury go there in the shape of money, and the law requires that the Treasurer of State should be at all times ready to account to the people of Indiana and the General Assembly, or to those to whom investigation should be referred, the kind of money he receives. The majority report as signed does not give in detail, as I remember, the assets that the Treasurer of State has shown to the committee. The minority of the committee have undertaken to give to this Legislature in detail what the Treasurer of State pretends to hold in the vaults as assets. Now, think for a moment. Is it such money as the law requires? I want to call the attention of the Legislature to the facts set out in the minority report on the 10th of last November, which was on Sunday. There was issued by the cashier of the Merchants' National Bank of Indianapolis a certificate of deposit to the amount of \$10,000, payable to himself, and a certificate of \$10,000 and another one for \$5,000, this bank received from its own cashier the certificate of deposit payable to himself; and that certificate, after the endorsement of the cashier the Treasurer of State exhibited to the committee, and on inquiry whether John J. Cooper was the owner, this investigation was not permitted to be made. When it was brought before the committee that these deposits were made on the Sabbath Day, and that this was out of the ordinary and usual course of business, inquiry was not permitted to be made of any man here believe the Merchants' National Bank was open on the 16th day of last November, which was on Sunday? Another thing—the report of this minority shows that there should have been in the Treasury of State on the 9th day of January, 1884, \$486,000. Now, there is no pretense by the Treasurer of State or by any of his friends or by the majority of this committee that such money was either on hands or on special deposit. There is no money in the Treasury, and the money is placed where it will be absolutely safe. I presume the banks of Indianapolis now existing here are perfectly sound. I have not heard any intimation to the contrary, but last summer everybody thought Harrison's bank was safe; everybody thought Fletcher & Sharpe's bank was in a safe condition, and yet today they are in ruins and their ordinary depositors are deprived of thousands and thousands and hundreds and hundreds of dollars. Another thing the members of this committee in the minority asked this General Assembly for authority to send for persons and papers so they could make an investigation, and it was allowed.

Now, John J. Cooper has loaned large sums of money to the Merchants' National Bank and to his bondsmen, or a part of his bondsmen, for the purpose of carrying on ordinary business or to engage in speculation. We were further informed that the money represented by the certificate was not in the vaults of the bank. Another thing, there is \$500,000 that the majority of the committee reported to this House as better than cash—that it is worth more than 100 cents on the dollar—and that is the orders on the Treasury of Marion County. The General Assembly, members of Marion County on the 1st of last June made a temporary loan for six months, and on the 29th day of January it had been due twenty-nine days and it was not paid. I want to see a complete and thorough investigation of the affairs of the Treasury.

Mr. ADAMS: What I shall say upon this question I shall not say because I am a Republican and the State Treasurer's office is now held by a Democrat, but because I believe the people of Indiana, as they have a right to desire to know how their money is being used. Now the law is very plain, and it empowers the General Assembly to enforce its provisions or stop the penal violation of it. The law expressly prohibits any loan or deposit in any bank, or in any other person, and the Treasurer of State is expressly prohibited from receiving any interest, gratuity or bonus upon the funds of the State. Now I say to this General Assembly that the State Treasurer has within the last two years received interest, gratuity and interest, gratuity and bonus upon the funds of the State. Now I say to this General Assembly that the money is being paid into the Treasury; that is whose money it is. Now the Treasurer is prohibited from receiving interest on that money. The majority report says it is a doubtful question. Is it a doubtful question? The statute says he shall receive no interest except for the use of the State. If Mr. Cooper stands square with the State, if Mr. Cooper can not be injured, his bondsmen can not be injured, nobody can be injured by an investigation of the people of Indiana will feel safe if they know the money is being used for the purpose it should be. The minority ask for an investigation because it is right.

Mr. GOODING: I do not propose to discuss this question upon the minority report, for that is untrue, unfair and incorrect in its statements. So far as the committee is concerned, a majority of them know that in many respects it is unfair and uncanonical. I feel as do a majority of this committee, that they want to see this matter correctly represented before this House and before the people of the State. I have seen in the last two weeks in the Indianapolis Journal all that is in this minority report. It is not new to me. I knew when I heard it read that it sounded like the same old thing I had been reading in the Indianapolis Journal. Now, in the first place, what is this report? The minority assails the majority. It seems to me that the majority of the committee compare favorably with the minority

as to honesty, integrity and patriotism. [Laughter.] Why, from what has been said, our constituents might draw the conclusion that the majority of the committee stood in with Mr. Cooper and was under his influence.

Why, Mr. Cooper has scarcely spoken to me since this investigation commenced. Now, the minority complain because this investigation was not carried further. We had no authority to send for persons and papers. I have the resolution here. Now this committee has discharged its duties, why make any further investigations. If the Treasurer of State is collecting interest for money on deposit the Attorney General can bring suit on his bond. And the Governor is empowered to make an investigation at any time. Now, then, I do not wish to stand by dishonest officeholders. I say, so far as Mr. Cooper is concerned, and so far as the State Treasury is concerned, I want the money to be accounted for to stand by the people to the very last farthing.

On motion by Mr. WILLIAMS the minority report was laid on the table, by yeas 55, nays 31.

After further debate [see appendix], Mr. WILLIAMS demanded the previous question.

The House seconded the demand, and under its operations the majority report was concurred in, by yeas 53, nays 31.

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Running a Locomotive While Deathly Sick—Something the Passengers Did Not Know—A Physician Saves an Engineer.

Dr. David Kennedy, Bogotou, N. Y.  
Dr. Kennedy is an engineer, and the Old Colony Railroad, and runs the Fall River boat train between Fall River and Lowell, residing in Taunton. For ten years I suffered everything but death from dyspepsia. Often I had such burning sickness that I could scarcely eat. I think this was due partly to irregular habits of eating, and partly to the fact that I was an engineer. Sometimes my head would snap like neuralgia, and again the pain would settle in my eye, which would feel as if it was on fire. My bowels were very offensive, and my food soured as soon as it entered my stomach. In fact my stomach felt as though it was a boiler, and I could not eat anything and what agony it gave me when I ate.

In the summer and fall of 1876 when we had the heavy coal train, the constant jarring brought on acute attacks nearly every week and I thought I should have to leave the road. But I kept at work until the next spring, when I grew so much worse that I could not eat anything and concluded that my labor, and my life, too, were about over.

Remember, that I had tried every medicine I heard of, and had been treated by some of the best physicians in Taunton and Lowell. At this crisis I met Dr. David Kennedy's FAVORITE REMEDY was recommended to me. It was new to me, and with my experience of medicines, I can easily forgive me for saying that I had not a particle faith in it.

I had taken it but a few days when I began to get better, and the snapping pains left my head, and soon I was all right, and have been ever since. I am now a healthy man, and I feel as if I should like to do more for the good, and I drove every ache, pain and